

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CATHERINE V. SIKORSKI AND JOHN SIKORSKI

X

PLAINTIFF'S INITIAL RULE 26  
DISCLOSURE

Plaintiffs,

-against-

07 Civ 3906 (CLB)(LMS)

FULTON CHEVROLET-CADILLAC CO., INC.,  
FULTON CHEVROLET CO., INC., HIGH POINT  
CHEVROLET, INC., SIEBA, LTD., FULTON/HIGH  
POINT CHEVROLET GROUP HEALTH BENEFIT  
PROGRAM, AVEMCO INSURANCE COMPANY,  
and AVEMCO INSURANCE AGENCY, INC.,

Defendants.

\_\_\_\_\_  
X

PLEASE TAKE NOTICE that, pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure,  
plaintiffs Catherine V. Sikorski and John Sikorski, state as follows:

I. Persons believed to have discoverable information that plaintiff may use to support its claims.

1. Mrs. Catherine Sikorski, plaintiff, who may be reached through the undersigned counsel.

Mrs. Sikorski will testify inter alia regarding the steps taken in notifying defendants of her medical condition, treatment and hospitalization, obtaining authorization from the Plan and confirmation of coverage, demanding payment of her medical bills, the health care providers' threats of lawsuit for nonpayment, and defendants' failure to pay.

2. Mr. John Sikorski, plaintiff, who may be reached through the undersigned counsel. Mr.

Sikorski will testify inter alia as to his employment with High Point Chevrolet, his participation in the insurance plan, the premiums for the insurance plan deducted from his wages by the employer, notification of his wife's medical conditions and hospitalization, confirmation of coverage by the plan and his employer, the threats of legal action by his wife's medical providers for nonpayment, and defendants' failure to pay.

3. Mr. John Worts, President and/or Chief Executive Officer of Fulton/High Point Chevrolet-Cadillac Co., Inc., Registered Agent of High Point Chevrolet, and, upon information and belief, manager of the Fulton/High Point Chevrolet Group Health Benefit Program, who may be reached at the offices of Fulton/High Point Chevrolet-Cadillac Co., Inc. Mr. Worts will be asked to testify inter alia as to plaintiff John Sikorski's employment, the formation and administration of the dealership's group health insurance plan and related insurance, the reasons for termination of the dealership's insurance plan, adoption of a new plan, the negotiations thereof, and the plaintiffs' notification and confirmation of Catherine Sikorski's medical treatment and hospitalization; and demands for payment.

4. Mr. Tom Worts, President of High Point Chevrolet, Inc., who may be reached at the offices of High Point Chevrolet, Inc. Mr. Worts will be asked to testify inter alia as to plaintiff John Sikorski's employment, the formation and administration of the dealership's group health insurance plan and related insurance, the reasons for termination of the dealership's insurance plan, adoption of a new plan, the negotiations thereof, and the plaintiffs' notification and confirmation of Catherine Sikorski's medical treatment and hospitalization; and demands for payment.

5. Ms. Lori Pritchard, upon information and belief, Office Manager of Fulton/High Point Chevrolet-Cadillac Co., Inc., may be reached at the offices of Fulton/High Point Chevrolet-Cadillac Co., Inc. Ms. Pritchard will be asked to testify inter alia as to the company's group health insurance plans, medical coverage for employees and spouses, Mr. Sikorski's employment and enrollment in the dealership's insurance plan and Mrs. Sikorski's status as beneficiary; premiums deducted from Mr. Sikorski's wages; notification of Mrs. Sikorski's medical treatment and hospitalization; and the plan's processing and administration of the claims and reasons for nonpayment.

6. Ms. Karen Baxendale, Account Manager of defendant Sieba, Ltd., who may be reached at Sieba's offices. Ms. Baxendale will be asked to testify as to her administration of the Fulton/High Point Chevrolet Benefit Plan, and the receipt, review, and processing of claims arising thereunder of plaintiff Catherine Sikorski, including notification and preauthorizations for services obtained on behalf of Catherine Sikorski, and demands for payment.

7. Ms. Sheila Thompson, title unknown, Mr. Dick DoBell, title unknown, and Ms. Kate Roberts, Director of Claims Management, all of defendant Sieba, Ltd., who may be reached at Sieba's offices. Ms. Thompson, Mr. DoBell, and Ms. Roberts will be asked to testify as to the administration of the Fulton/High Point Chevrolet Benefit Plan, and the receipt, review, and processing of claims arising thereunder of plaintiff Catherine Sikorski, including notification and preauthorizations for services obtained on behalf of Catherine Sikorski, and demands for payment.

8. Diversified Concepts, the "broker consultant" of the dealership's group health benefit plan, who may be reached at Diversified's offices. Diversified will be asked to testify as to its knowledge of the Plan and the administration thereof.

9. Mr. Ken Hutchings, title unknown, of Anchor Group, the replacement "Broker Consultant" of the dealership group health benefit plan, who may be reached at the offices of Anchor Group. Mr. Hutchings will be asked to testify as to his knowledge of the Plan and the administration thereof.

10. Hackensack University Medical Center ("HUMC"), PO Box 48027, Newark, NJ 07101; telephone number (201)996-2000. HUMC will be asked to testify as to the medical services rendered to plaintiff Catherine Sikorski, the cost of such services, insurance information provided by the plaintiffs, authorization from defendants' insurers, bills and EOBs sent to the insurers, the amounts received in payment towards those services, and the amounts remaining outstanding and unpaid.

11. Dr. Marcelo E. Lancman, Epilepsy & Neurophysiology, 690 Broadway, Suite 102, North White Plains, NY 10603; telephone number (914)428-3651. Dr. Lancman will be asked to testify as to medical services rendered to plaintiff Catherine Sikorski, the cost of such services, insurance information provided by the plaintiffs, authorization from defendants' insurers, bills and EOBs sent to the insurers, the amounts received in payment towards those services, and the amounts remaining outstanding and unpaid.

12. Dr. Arno Fried, Neurosurgeon, of Hackensack University Medical Center, address and telephone number above in ¶12. Dr. Fried will be asked to testify as to medical services rendered to plaintiff Catherine Sikorski, the cost of such services, insurance information provided by the plaintiffs, authorization from defendants' insurers, bills and EOBs sent to the insurers, the amounts received in payment towards those services, and the amounts remaining outstanding and unpaid.

13. Hackensack Anesthesia Associates ("HAA"), PO Box 34059, Newark, New Jersey 07189; telephone number (877)797-8700. HAA will be asked to testify as to medical services rendered to plaintiff Catherine Sikorski, the cost of such services, insurance information provided by the plaintiffs, authorization from defendants' insurers, bills and EOBs sent to the insurers, the amounts received in payment towards those services, and the amounts remaining outstanding and unpaid.

II. Documents which Plaintiff May Use to Support its Claims in this Case.

1. Documents contained in plaintiffs' files consisting of correspondence, electronic mail, benefit plan description, amendments thereto, invoices and explanation of benefit forms ("EOBs") from plaintiff's physicians and hospital providers. Copies of all plaintiffs' documents pertaining to the subject action are annexed hereto.

III. Computation of Damages Claimed by Plaintiff. Plaintiffs' damages consist of the outstanding medical bills incurred while a participant under the dealership's group health benefit plan, totaling approximately \$432,000; and statutory attorneys fees and costs in an amount to be determined.

IV. Insurance.

Not applicable.

V. Amendments.

Plaintiffs reserve the right to supplement, amend or modify its initial disclosures under Fed. R. Civ.

Pro. 26.

Dated: July 24, 2007  
New Windsor, NY

Rider, Weiner & Frankel, P.C.  
Attorneys for Plaintiff  
655 Little Britain Road  
New Windsor, NY 12553  
(845) 562-9100

By:   
Jeffrey S.E. Sculley (JS7658)

TO: Richard Golden, Esq.  
Burke, Miele & Golden  
Attorneys for Dealership Defendants and Group Health Benefit Program  
30 Matthews Street, Suite 303A  
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Garden City, NY 11530

Steven Kent, Esq.  
Wilson, Elser, Moskowitz, Edelman, & Dicker, LLP  
Attorneys for Avemco Defendants  
150 East 42nd Street  
New York, NY 10017

STATE OF NEW YORK )

ss.:

COUNTY OF ORANGE )

Cheryl Churney, being duly sworn, deposes and says:

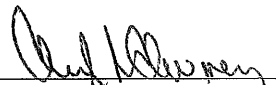
I am not a party of this action, am over 18 years of age, and reside at Newburgh, New York.

On July <sup>15<sup>th</sup></sup> 2007, I served the within Plaintiffs' Rule 26 Initial Disclosures via first class mail by depositing a true copy thereof in a sealed postage paid envelope in an official depository of the United States Postal Service within the State of New York, addressed to the following person at the last known address:

Richard Golden, Esq.  
Burke, Miele & Golden  
Attorneys for Dealership Defendants and Group Health Benefit Program  
30 Matthews Street, Suite 303A  
PO Box 216  
Goshen, NY 10924

Peter L. Contini, Esq.  
L'Abbate, Balkan, Colavita & Contini, LLP  
Attorneys for Defendant Sieba, Ltd.  
1001 Franklin Avenue  
Garden City, NY 11530

Steven Kent, Esq.  
Wilson, Elser, Moskowitz, Edelman, & Dicker, LLP  
Attorneys for Avemco Defendants  
150 East 42nd Street  
New York, NY 10017

  
Cheryl Churney

Sworn to before me this  
25<sup>th</sup> day of July, 2007.

  
Notary Public

TRACI L. NESTVED  
Notary Public, State of New York  
Qualified in Orange County  
Reg. No. 01NE6023644  
Commission Expires April 26, 2011

EXHIBIT "A"

DUE TO THE VOLUMINOUS NATURE OF THE PLAINTIFFS' DOCUMENTS, WE ARE ANNEXING THIS EXHIBIT WITH A DOCUMENT INDEX IN LIEU OF THE ACTUAL DOCUMENTS FOR ELECTRONIC FILING PURPOSES. ALL DOCUMENTS LISTED ON THE ANNEXED INDEX HAVE BEEN SERVED VIA POSTAL SERVICE UPON ALL PARTIES.

PLAINTIFFS' INDEX TO DOCUMENTS (BATES STAMPED)

0000000 - 0000001	Sikorski Handwritten Notes
0000002	Summary of Outstanding/Unpaid Balances
0000003 - 0000004	Amendment #1 to Fulton/High Point Chevrolet Employee Health Plan
0000005 - 0000006	Sikorski Letter 11/20/06 to US Department of Labor
0000007	Sikorski Letter to Eliot Spitzer
0000008	Attorney General Letter 2/2/04 to Sikorski
0000009	Mark L. Nichter P.C. Letter 8/14/06 to Sikorski
0000010	Fulton Chevrolet 1/18/06 Letter to Sikorski
0000011 - 0000013	Sikorski Fax to Fulton Chevrolet with Attachments
0000014	Mark L. Nichter PC Letter 7/12/06 to Sikorski
0000015 - 0000016	Sieba, Ltd. Fa 3/4/04 with Attachment to Sikorski
0000017	HUMC Charges 10/14/02
0000018	Sikorski Handwritten Notes
0000019	Summary of Outstanding/Unpaid Balance
0000020	Chart of Charges
0000021 - 0000022	Epilepsy & Neurophysiology Statements
0000023	Sieba, Ltd. EOB
0000024 - 0000028	HUMC Statement with Invoice Detail
0000029 - 0000030	Fulton Fax Transmittal 10/3/05 with Draft Letter
0000031	Sikorski Letter 12/20/05 to Peter Harvey, A.G.
0000032	Fulton Letter to Sikorski 1/18/06
0000033	1/6/06 New Jersey Department of Banking & Insurance Letter to Sikorski
0000034 - 0000063	New Jersey Department of Banking & Insurance Fax 3/23/06 to Sikorski with Exhibits
0000064 - 0000069	Sikorski Fax to Sieba 4/26/07 and Letters
0000070	Sikorski Handwritten Notes
0000071 - 0000102	Fulton High Point Employee Benefit Health Plan Booklet With Amendment #1
0000103 - 0000105	TAG Third Party Director
0000106 - 0000110	Qualifying Medical Care Expenses from Sieba Website
0000111 - 0000112	Multiplan.Com Web pages
0000113 - 0000120	Horizon BCBS EOB
0000121	Sikorski Handwritten Notes
0000122	Sieba EOB
0000123	Horizon BCBS EOB
0000124	Epilepsy & Neurophysiology Statement 3/5/02
0000125 - 0000139	Sieba EOBs
0000139 - 0000143	Sikorski Handwritten Notes



PLAINTIFFS' INDEX TO DOCUMENTS (BATES STAMPED)

0000143 - 0000144	HUMC Statement with Preauthorization Code FT1010
0000145 - 0000146	Sieba Fax 3/4/04 with EOB (for HUMC charges of \$374,642.42)
0000147 - 0000212	Sikorski Fax to Employee Benefits Society 1/18/07 with Exhibits
0000213 - 0000215	Regional and District EBSA Offices
0000216	Sikorski Handwritten Notes re: NJ Department of Insurance
0000217 - 0000219	Confirmation of Assistance NJ Division of Insurance
0000220	Sikorski Letter 10/2/03 to High Point requesting plan coverage under Horizon Blue Cross Blue Shield and Sieba, Ltd.
0000221	Summary of Outstanding/Unpaid Balances totaling \$468,264.42
0000222 - 0000226	Sikorski Handwritten notes
0000227	Office of Health Plan Standards and Compliance Assistance with handwritten notes
0000228 - 0000235	Sikorski Fax 1/19/07 to New York Attorney General Consumer Fraud Department with attachments
0000236	Attorney General Letter 1/22/07 to Sikorski declining assistance
0000237	Sikorski Handwritten Notes
0000238	Sikorski Letter 1/21/04 to Eliot Spitzer
0000239 - 0000247	Sikorski Letter 3/4/04 to Employee Benefits Society with exhibits
0000248 - 0000445	Horizon BCBS chart of claims, certificate of group health plan coverage, handwritten notes; Horizon correspondence with Sikorski; Horizon EOBs and statements of payment
0000446 - 0000476	Sikorski Faxes and Letters to HUMC requesting unpaid or outstanding balances; HUMC detailed invoice; HUMC statements; dunning letters
0000477 - 0000486	Summary of Outstanding/Unpaid Balance re: HUMC Anesthesia Associates with invoices, Sieba EOB; dunning notices
0000487 - 0000505	Epilepsy & Neurophysiology invoices; Sikorski letters; Sieba EOB; dunning notices
0000506 - 0000655	Sikorski Handwritten notes; HUMC correspondence; HUMC statements; dunning notices
0000656	Sikorski Handwritten Notes
0000657	Sikorski Letter to High Point 10/2/03

PLAINTIFFS' INDEX TO DOCUMENTS (BATES STAMPED)

0000658	Fulton Fax 4/1/05 from Lori Pritchard to Sikorski requesting copies of unpaid bills regarding July/August surgery, states she has detailed HUMC bill, needs other doctor and lab bills
0000659	Sikorski Handwritten notes 3/22/06 - 9/13/06
0000660	Sikorski Letter 4/13/05 to James Lytle at Manatt, Phelps & Phillips, LLP
0000661 - 0000674	Manatt, Phelps & Phillips Letters to Horizon BCBS, Anchor Group, HUMC; Sieba; Avemco; Anchor Group; and Catherine Sikorski as counsel for Fulton to try to resolve outstanding medical bills
0000675 - 0000683	Sikorski Fax 9/13/06 to Manatt, Phelps forwarding outstanding sums owed to HUMC with attachments
0000684 - 0000685	Manatt Phelps Letter 5/10/06 to Sikorski enclosing Horizon BCBS spreadsheet of payments made, and that Horizon will be sending \$8,400 to HUMC as payment in full for 8/1/02 - 8/6/02 charges
0000686 - 0000689	Manatt Phelps correspondence
0000690 - 0000693	Sikorski Fax 3/1/06 to Lori Pritchard at Fulton forwarding Dr. Arno Fried billings
0000694 - 0000697	Sikorski Fax 1/10/06 to Lori Pritchard at Fulton forwarding Dr. Fried invoices/claims
0000698 - 0000715	Sikorski Handwritten Notes (including note 2/03 that Highpoint said payments to be approved by father for signature when he returns from vacation)
0000716	Sikorski 10/2/03 Letter to FOTEK for a copy of the health plan coverage for Horizon BCBS
0000717	Sikorski 10/2/03 Letter to SIEBA requesting copy of the health plan coverage for Sieba Preferred Plan
0000718	MultiPlan, Inc. information with handwritten notes
0000719 - 0000721	High Point Letter 2/26/03 of COBRA notification and election form
0000722	Sikorski Fax 4/14/05 to Epilepsy & Neurophysiology requesting outstanding/unpaid balances
0000723	Sikorski Letter to Sieba 10/2/03
0000724 - 0000728	Hackensack Radiology Statements, dunning notices, collection letters
0000729 - 0000737	Statements, invoices, dunning notices, collection letters from Martin R. Weinberg, Ophthalmology; Horizon EOB

PLAINTIFFS' INDEX TO DOCUMENTS (BATES STAMPED)

0000738 - 0000744	Northeast Regional Epilepsy Group Monitoring Report on Catherine Sikorski 3/5/02 to 3/15/02
0000745 - 0000747	Neuropsychological Consultation by Kenneth Perrine, Ph.D. of Catherine Sikorski 2/4/02